

OCT 21 2004

## CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence, totaling 4 pages including recited attachments, is being facsimile transmitted to the United States Patent and Trademark Office at facsimile no.: 703-872-8306 (Central number) on the below date:

Date: October 21, 2004 Name: Terry Wand

Signature: Terry WandBRINKS  
HOFER  
GILSON  
& LIONE

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Rabindra Bhola

Appln. No.: 10/719,526

Filed: November 21, 2003

For: DIE TEMPERATURE CONTROL

Examiner: Gail Kaplan  
Verbitsky

Art Unit: 2359

Attorney Docket No: 12354-003

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

## TRANSMITTAL

Sir:

## Attached is/are:

- ☒ Response to Restriction Requirement  
☐ Return Receipt Postcard

## Fee calculation:

- ☐ No additional fee is required.  
☐ Small Entity.  
☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).  
☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_).  
☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$9=			x \$18=	
Indep.		Minus			x 43=			x \$86=	
First Presentation of Multiple Dep. Claim					+ \$145=			+ \$290=	
					Total	\$		Total	\$

## Fee payment:

- ☐ A check in the amount of \$\_\_\_\_\_ to cover the above-identified fee(s) is enclosed.  
☐ Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.  
☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).  
☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed) or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

October 21, 2004  
DateRobert K. Fergan  
Robert K. Fergan (Reg. No. 51,674)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:	)	Group Art Unit: 2859
Rabindra Bhola	)	Confirmation No. 3377
Serial No.: 10/719,526	)	Examiner: Verbitsky, Gail Kaplan
Filed: November 21, 2003	)	Attorney Docket: 12354-003
For: DIE TEMPERATURE CONTROL	)	PTO Customer No.

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
U.S.A.

Dear Sir:

**RESPONSE TO RESTRICTIONS REQUIREMENT**

This is in response to the office letter of September 21, 2004.

The Examiner considered that this application relates to three invention:: Invention I reflected in claims 1 to 6, Invention II reflected in claims 7 to 12 and Invention III reflected in claim 12.

With traverse, Applicant hereby elects Invention I, comprising claims 1 to 6, for continued prosecution of this application.

The Examiner considered that Invention I, being drawn to a method of die temperature control, is classed in class 374, subclass 102 whereas Invention II, being drawn to a computer readable medium, is classed in class 165, subclass 237+.

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Reply to Office Action dated September 21, 2004

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The Invention II claims are directed to a computer readable medium for causing a processor to utilize temperature measurements for a die to control a valve of a valve cooling line for the die. Thus, Invention II is directed to a computer readable medium to allow die temperature control.

The class definition for class 374 states: "This is the generic class for making a determination of ... a characteristic or condition of an object or system utilizing heating ... as a significant part of the test ... Note. Processes and apparatus are classified together".

The class definition for class 165 states: "This class includes apparatus or process not provided for in other classes for transferring heat, or apparatus or process not provided for in other classes relating to an auxiliary device particularly adapted to be used with such heat transfer apparatus".

Class 374, covering both processes and apparatus, covers both methods and computer readable media. Further, class 374 is a generic class, whereas class 165 is a class to be used only for processes and apparatus not otherwise provided for. It is therefore submitted that class 374 dominates over class 165 for methods and computer readable media directed to die temperature control. Thus, it is believed that if Invention I is properly principally classed in class 374, so is Invention II. For this reason, it is submitted that the claims of Invention I and II should be allowed to remain in this application together.

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In view of the foregoing, early favourable consideration of this application is earnestly solicited.

Respectfully submitted,



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